

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:07CV390-01-MU

WILLIAM DUNCAN,

Plaintiff,

v.

PENNY ALLEN, et. al.,

Defendants.

ORDER

THIS MATTER comes before the Court for an initial review of Plaintiff's Complaint pursuant to 42 U.S.C. § 1983, filed September 17, 2007.

In his Complaint Plaintiff alleges that the Defendants are hindering his access to the courts. More specifically, Plaintiff asserts that he has been charged four dollars to cover the cost of a money order when money is removed from his prison trust account to pay court filing fees. Plaintiff asserts that such a policy hinders inmates access to the courts in violation of the United States Constitution.

To state a claim of denial of access to the courts a plaintiff must demonstrate prejudice from the denial. See Strickler v. Waters, 989 F.2d 1375, 1382 (4th Cir.), cert. denied, 510 U.S. 949 (1993); White v. White, 886 F.2d 721, 722-24 (4th Cir. 1989). In the instant case, Plaintiff fails to allege that he suffered any prejudice. That is, Plaintiff, despite the charge for the money order, was able to file his February 21, 2007, Complaint in this Court and was able to appeal the dismissal of a Complaint he filed in the United States District Court for the Eastern District of North Carolina.¹

¹ Plaintiff's abstract concerns with the implementation of the policy do not support a claim.

IT IS THEREFORE ORDERED that Plaintiff's Complaint is **DISMISSED** for failure to state a claim.

Signed: September 18, 2007

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

